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| 10/696,734 | 10/28/2003 | Paul Andrew Erb | SMC1P024 | 6307 |
| 22434 | 7590 | 08/08/2005 | EXAMINER | |
| BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250 | | | EWART, JAMES D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2683 | |
| DATE MAILED: 08/08/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,734

Applicant(s)

ERB ET AL.

Examiner

James D. Ewart

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2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03-25-2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. (U.S. Patent No. 6,665,534).

Referring to claims 1 and 11, Conklin et al teaches a method of controlling the delivery of an incoming call directed to a wireless communication device comprising the steps of (Column 2, Lines 1-4): determining generally the location of the wireless communication device to which said incoming call is directed (Column 2, Line 10 and Column 4, Lines 6-7); if said wireless communication device is not within a designated zone, directing the incoming call to said wireless communication device (Column 2, Lines 28-37); and if said wireless communication device is in a designated zone handling said incoming call based on specified criteria (Column 2, Lines 11-15 and 19-22). The designated zones such as patient rooms and operating rooms have low power infrared transmitters, which activate the subscribers wireless communication device to enter the call-screening mode. Outside the designated zones there aren't any infrared transmitters and a wireless call is carried out normally and transmitted to the wireless device.

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Referring to claims 2 and 12, Conklin et al further teaches wherein during said handling if the incoming call meets said specified criteria, said incoming call is directed to one of a designated extension within said designated zone and said wireless communication device (Column 2, lines 11-15).

Referring to claim 3, Conklin et al further teaches wherein when said specified criteria includes a designated caller list (Column 4, Line 9), if the incoming call meets said specified criteria, said incoming call is directed to said designated extension, otherwise said incoming call is directed to said wireless communication device (Column 2, Lines 11-15).

Referring to claim 4, Conklin et al further teaches wherein if the incoming call is private and meets said specified criteria (Column 2, Lines 11-15), said incoming call is directed to said wireless communication device irrespective of whether a designated extension is included in said specified criteria (Column 2, Lines 11-15). As long as the criteria is met, the call is delivered to the wireless communication device regardless of whether the call is private or not.

Referring to claim 5, Conklin et al further teaches wherein said specified criteria further includes an importance threshold (Column 4, Lines 8-9), incoming calls received from callers in said designated caller list (Column 4, Line 9) and/or incoming calls having an importance value equal to or exceeding said importance threshold, meeting said specified criteria.

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Referring to claims 6 and 16, Conklin et al further teaches wherein during said handling if the incoming call does not meet said specified criteria, said incoming call is directed to an extension outside of said designated zone (Column 2, Line 15).

Referring to claims 7 and 17, Conklin et al further teaches wherein delivery of incoming calls is controlled within a location having a plurality of designated zones, each of said designated zones being defined by a specified area within said location (Column 2, lines 22-23).

Referring to claim 8, Conklin et al further teaches wherein said designated zones include rooms within said location (Column 2, lines 22-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 9, 10 and 18-21 are rejected under 35 USC 103(a) as being unpatentable over Conklin et al. in view of Lemelson et al. (U.S. Patent No. 6,608,559)

Referring to claims 9 and 18, Conklin et al teaches the limitations of claim 9, but does not teach wherein said location is subdivided by a grid into grid locations and wherein said

designated zones are mapped to said grid locations, said mapping being used during said determining to determine if said wireless communication device is located within a designated zone. Lemelson et al. teaches wherein said location is subdivided by a grid into grid locations (Figure 2) and wherein said designated zones are mapped to said grid locations (Figure 2), said mapping being used during said determining to determine if said wireless communication device is located within a designated zone (Column 5, Lines 39-57). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Conklin et al with the teaching of Lemelson et al. teaches wherein said location is subdivided by a grid into grid locations and wherein said designated zones are mapped to said grid locations, said mapping being used during said determining to determine if said wireless communication device is located within a designated zone to determine whether the wireless communication device is in a geographic area defined by coordinates (Column 5, Lines 39-41).

Referring to claim 10, Lemelson et al. further teaches wherein during said determining, the location of said wireless communication device is determined using triangulation based on wireless signal strength to base stations at said location (Column 9, Lines 48-51). Examiner equates satellites with base stations.

Referring to claim 19, Conklin et al. teaches a telephone system to control the delivery of an incoming call directed to a wireless communication device within a location wherein the location comprises redirection zones (Column 2, Lines 1-4), said system comprising: a position determiner for determining the location of a wireless communication device within said location

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to which an incoming call is destined (Column 2, Lines 10 & Column 4, Lines 6-7); and a call handler for determining if said wireless communication device is in a redirection zone and for handling delivery of said incoming call in accordance with the results of said determining (Column 2, Lines 11-15 and 19-22), but does not teach said location being subdivided into a plurality of grid locations and including zones therein, each zone encompassing a subset of said grid locations. Lemelson et al. teaches said location being subdivided into a plurality of grid locations and including zones therein, each zone encompassing a subset of said grid locations (Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Conklin et al. with the teaching of Lemelson et al. teaches said location being subdivided into a plurality of grid locations and including zones therein, each zone encompassing a subset of said grid locations to determine whether the wireless communication device is in a geographic area defined by coordinates (Column 5, Lines 39-41). The designated zones such as patient rooms and operating rooms have low power infrared transmitters, which activate the subscribers wireless communication device to enter the call-screening mode. Outside the designated zones there aren't any infrared transmitters and a wireless call is carried out normally and transmitted to the wireless device.

Referring to claim 20, Conklin et al. further teaches wherein said call handler directs the incoming call to said wireless communication device if the wireless communication device is not within a redirection zone (Column 2, Lines 28-37) and directs an incoming call to one of a designated extension within said redirection zone and said wireless communication device if said wireless communication is in a redirection zone (Column 2, lines 11-15).

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Referring to claim 21, Conklin et al. further teaches wherein said call handler directs the incoming call to one of the designated extension within the redirection zone and the wireless communication device if the incoming call meets specified criteria (Column 2, lines 11-15).

3. Claims 13-15 are rejected under 35 USC 103(a) as being unpatentable over Conklin et al. in view of Will (U.S. Patent No. 5,970,388).

Referring to claim 13, Conklin et al. further teaches wherein when said specified criteria is met, directing call to said wireless communication device, but does not teach if the incoming call meets said specified criteria, said directing means directs said incoming call to said designated extension. Will teaches if the incoming call meets said specified criteria (Figure 5, 33), said directing means directs said incoming call to said designated extension (Figure 5, 39 & 40). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Conklin et al. with the teaching of Will of if the incoming call meets said specified criteria (Figure 5, 33), said directing means directs said incoming call to said designated extension to be able to route an incoming call to an appropriate telephone station near the individual (Column 2, Lines 60-61).

Referring to claim 14, Conklin et al. further teaches wherein if the incoming call is private and meets said specified criteria (Column 2, Lines 11-15), said directing means directs said incoming call to said wireless communication device irrespective of whether a designated extension is included in said specified criteria (Column 2, Lines 11-15). As long as the criteria

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is met, the call is delivered to the wireless communication device regardless of whether the call is private or not.

Referring to claim 15, Conklin et al. further teaches wherein said specified criteria further includes a designated caller list (Column 4, Line 9) and an importance threshold (Column 4, lines 8-9), incoming calls received from callers in said designated caller list and/or incoming calls having an importance value equal to or exceeding said importance threshold, meeting said specified criteria (Column 5, Lines 56-67).

4. Claims 22-23 are rejected under 35 USC 103(a) as being unpatentable over Conklin et al. and Lemelson et al. in view of Will (U.S. Patent No. 5,970,388)

Referring to claim 22, Conklin et al. further teaches wherein said call handler directing the incoming call to an extension outside of the redirection zone if the incoming call does not meet the specified criteria, but does not teach the specified criteria includes a designated extension. Will teaches the specified criteria includes a designated extension (Figure 5, 33,39 & 40). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Conklin et al. with the teaching of Will of specified criteria includes a designated extension to be able to route an incoming call to an appropriate telephone station near the individual (Column 2, Lines 60-61).

Referring to claim 23, Lemelson et al. further teaches wherein said position determiner uses triangulation based on wireless signal strengths to base stations at said location to determine

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the location of said wireless communication device therein (Column 9, Lines 48-51). Examiner equates satellites with base stations.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chow et al. U.S. Patent No. 6,738,615 discloses wireless centrex caller ID.

Goss U.S. Patent No. 6,320,534 discloses location based personal telephone routing system.

Hancock U.S. Patent Publication No. 2003/0036842 nesting grid structure for a geographic referencing system and method of creating and using the same.

Heller U.S. Patent No. 5,119,104 discloses location system adapted for use in multipath environments.

Heller et al. U.S. Patent No. 5,548,637 discloses method and apparatus for locating personnel and objects in response to telephone inquiries.

Namba U.S. Patent Publication No. 2002/0013656 discloses method and system for communication facility information and devices therefor.

Partridge, III U.S. Patent No. 5,473,671 discloses selective screening of incoming calls for cellular telephone systems.

Patwari et al. U.S. Patent Publication No. 2002/0122003 discloses method and apparatus for location estimation.

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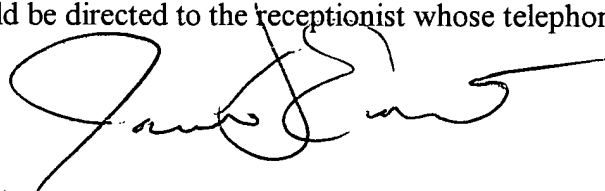
Pepper et al. U.S. Patent No. 5,930,700 discloses system and method for automatically screening and directing incoming calls.


Voce et al. U.S. Patent No. 6,389,289 discloses earth tiling system for providing regional based service in a mobile satellite communication network.

Xydis U.S. Patent No. 6,894,612 discloses monitoring method and system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


Ewart
August 3, 2005


WILLIAM TROST
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TECHNOLOGY CENTER 2600